

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Steven M. Horde,

Civil No. 13-3107 (PJS/JJG)

Plaintiff,

v.

**ORDER ON REPORT
AND RECOMMENDATION**

City of Apple Valley; Wayne Criger; David Virden; Mitchell Scott; Apple Valley City Attorneys Office of Molinda, Bauer, Dougherty and Severson P.A.; Dakota County Sheriff's Office; Bradley Billmeyer, Special Duty Deputy Sheriff #133; Apple Valley Police Department; and City of Apple Valley Mayor Mary Hamann Roland,

Defendants.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation are **ADOPTED**;
2. The Dakota County Sheriff's Office and Bradley Billmeyer's Motion to Dismiss (ECF No. 6) is **DENIED AS MOOT**;
3. Dougherty, Molenda, Solfest, Hills & Bauer P.A.'s Motion to Dismiss (ECF No. 15) is **GRANTED** as to the dismissal of claims but **DENIED** as to the request for attorneys' fees;

4. The City of Apple Valley, Apple Valley Police Department, Mitchell Scott, Wayne Criger, David Virden, Jon Rechtzigel, and Mary Hamann-Roland's Motion to Dismiss (ECF No. 36) is **GRANTED**;
5. Steven M. Horde's Motion to Amend Amended Complaint (ECF No. 58) is **DENIED AS MOOT**;
6. Steven M. Horde's Motion to Present Exhibits B, C, and D (ECF No. 59) is **GRANTED**;
7. Steven M. Horde's Motion to Dismiss DMSHB's Motion to Dismiss (ECF No. 60) is **DENIED**;
8. Steven M. Horde's Motion for Injunctive Relief (ECF No. 62) is **DENIED**;
9. Steven M. Horde's Motion for Judicial Review (ECF No. 64) is **DENIED**;
10. Steven M. Horde's Motion to Proceed with Case # 13-cv-3107 (ECF No. 66) is **DENIED**;
11. Steven M. Horde's Second Motion to Proceed with Case # 13-cv-3107 (ECF No. 67) is **DENIED**; and
12. Steven M. Horde's Motion to Dismiss Case of Bradley Billmeyer (ECF No. 69) is construed as a notice of voluntary dismissal pursuant to Rule 41(a)(1) and **GRANTED**, and that the Dakota County Sheriff's Office and Bradley Billmeyer are **DISMISSED FROM THIS ACTION WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 7/18/14

s/Patrick J. Schiltz

PATRICK J. SCHILTZ

United States District Judge